

Practitioner's Docket No. 560.02-US1

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor application of: Mahant, Vijay K.; Doneen, Byron A.

Group No.: 1743

Application No.: 09/261,068

Examiner: unknown

Filed: March 2, 1999

For: Methods and Apparatus for Separation
of Biological Fluids

Box DD

Assistant Commissioner for Patents
Washington, D.C. 20231

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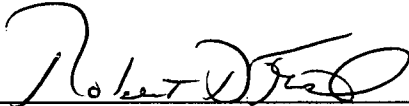
TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT
WITHIN THREE MONTHS OF FILING OR
BEFORE MAILING OF FIRST OFFICE ACTION (37 C.F.R. 1.97(b))

IDENTIFICATION OF TIME OF FILING THE ACCOMPANYING
INFORMATION DISCLOSURE STATEMENT

The information disclosure statement submitted herewith is being filed within three months of the filing date of the application or date of entry into the national stage of an international application or before the mailing date of a first Office action on the merits, whichever event occurs last. 37 C.F.R. 1.97(b).

Date:

5/14/99


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CERTIFICATE OF MAILING (37 CFR 1.8a)

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Collene Houston

Dated:

5/14/99



PATENT
Attorney Docket No.: 560.02-US1

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231**

In re application of: **Vijay K. Mahant, Byron A.
Doneen**

Group: 1743

Serial No: 09/261,068

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INFORMATION DISCLOSURE STATEMENT

Honorable Commissioner of Patents and Trademarks
Washington, D.C. 20231

Sir:

In accordance with the duty of disclosure imposed by 37 C.F.R. 1.56 to inform the United States Patent and Trademark Office of all references coming to the attention of the Applicant(s) or attorneys or agents for Applicant(s) which are or may be material to the examination of the subject application, attorneys for the Applicant(s) hereby invite the Examiner's attention to the references listed in the accompanying PTO Form 1449 entitled "List of References Cited".

This submission is understood to complement the results of the Examiner's own independent search. The submission of this Disclosure Statement should not be construed as a representation that a search was made, or that the cited items are inclusive of all relevant and material citations that may be available publicly.

The citation of any item is not an admission that the item is "prior art" against the subject application. The right is reserved to antedate any item according to standard procedures. The Applicant(s) wish to direct the Examiner's attention to the following matters:

Ref: **U.S.Pat. 5,766,552; Doshi, et al.**, teach an apparatus for red blood cell separation, in which red blood cells are removed by agglutinating whole blood with a mixture of free agglutinating agent and nucleating particles having agglutinating agent intimately associated therewith to form clusters of red blood cells. Optionally, an additive may be added to further enhance agglutination. The formed clusters of red blood cells are removed by filtration through a porous medium. The filter may optionally contain additional agglutination agent.

The presently filed claims are patentable over Doshi, et al. in that claim 1, and claims 2-21 by virtue of their dependency on claim 1, require a step of "receiving the sample in a vessel". Doshi, et al. do not teach or suggest the use of a vessel. Claim 1 and claims 2-21, by virtue of their dependency on claim 1, also require "separating the network from the substantially cell depleted portion at least in part using a magnetic force". Doshi, et al. do not teach or suggest the use of a magnetic force to separate the blood cells from the blood sample.

Ref: **U.S.Pat. 4,663,029; Kelland** teaches a method and apparatus for a continuous magnetic separation, wherein particles in a slurry are continuously separated in accordance with their magnetic susceptibility and their size by passing the slurry through a separator. The separator comprises a non-magnetic canister with a magnetized wire or rod extending adjacent to the canister.


The subject matter recited in the presently filed claims is patentable over Kelland et al. in that claim 1 and claims 2-21, by virtue of their dependency on claim 1, require a step of

“combining the sample, an additive, and a plurality of particles, each of the additive, the particles and the cells having a substantial binding to another of the additive, the particles and the cells to produce a cell containing network”. Kelland does not teach or suggest the use of an additive and particles to produce a cell containing network. Kelland even teaches against forming a cell containing network, by describing a method in which “particles in a slurry are continuously separated” (column 2, line 52-52), (column 3, line 46-50).

Applicant(s) respectfully request that the Examiner review the foregoing references, as set forth in the Form PTO-1449, and that they be made of record in the file history of the above-captioned application.

Respectfully submitted,
Crockett and Fish

Dated: 5/11/99

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